

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephanie Mleczkowski	Team: Team # 3	CCRB Case #: 201402606	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 03/13/2014 8:31 PM	Location of Incident: § 87(2)(b) § 87(2)(b) 26th Precinct stationhouse	Precinct: 26	18 Mo. SOL 9/13/2015	EO SOL 9/13/2015	
Date/Time CV Reported Wed, 03/19/2014 9:38 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/19/2014 9:38 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Coy	00380	938282	026 PCT
2. An officer			Unknown
3. POM Murtaza Mandliyadav	00721	925660	026 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Ian McCabe	04351	927166	026 PCT
2. POM William Flaherty	26195	948288	026 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Coy	Discourtesy: On March 13, 2014, at § 87(2)(b) in Manhattan and at the 26th Precinct stationhouse, PO Daniel Coy spoke rudely to § 87(2)(b)	§ 87(2)(b)
B.POM Daniel Coy	Force: On March 13, 2014, at § 87(2)(b) in Manhattan, PO Daniel Coy used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Murtaza Mandliyadav	Force: On March 13, 2014, at § 87(2)(b) in Manhattan, PO Murtaza Mandliyadav used physical force against § 87(2)(b)	§ 87(2)(b)
D. An officer	Force: On March 13, 2014, at § 87(2)(b) in Manhattan and in front of § 87(2)(b) in Manhattan, an officer used physical force against § 87(2)(b)	§ 87(2)(b)
E.POM Murtaza Mandliyadav	Abuse: On March 13, 2014, § 87(2)(b) in Manhattan and on March 14, 2014 at the 26th Precinct stationhouse, PO Murtaza Mandliyadav failed to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)

Case Summary

On March 13, 2014, at 8:31 p.m., § 87(2)(b) visited his girlfriend, § 87(2)(b) at her apartment located at § 87(2)(b) in Manhattan. § 87(2)(b) was having difficulty breathing and subsequently her social worker, identified via investigation as § 87(2)(b) dialed 911. Two officers and two FDNY EMTs, identified via investigation as PO Daniel Coy and PO Murtaza Mandliyadav of the 26th Precinct and EMT § 87(2)(b) and EMT § 87(2)(b) subsequently arrived at the aforementioned location. PO Coy told § 87(2)(b) to “Shut the fuck up” (**Allegation A**). While the EMTs and the officers attempted to transport § 87(2)(b) to a hospital, PO Mandliyadav punched § 87(2)(b) in his left eye. Next, PO Coy and PO Mandliyadav grabbed § 87(2)(b) by his neck and waist, slammed him onto the floor face-first (**Allegations B and C**) and handcuffed him. Subsequently, PO Coy and PO Mandliyadav punched and kicked § 87(2)(b) while he was handcuffed (subsumed by **Allegations B and C**). § 87(2)(b) alleged that he sustained a “fractured eye,” a clicking sound in his shoulder and back pain as a result.

Once § 87(2)(b) was handcuffed and laid on the floor, an officer (PO1) who remains unidentified arrived and kicked § 87(2)(b) in his legs (**Allegation D**) and then slapped him on the back of his head while he was being placed inside of a police vehicle (subsumed by **Allegation D**). Finally, upon being brought to the 26th Precinct, PO Coy called § 87(2)(b) a “dumbass” (subsumed by **Allegation A**).

Once § 87(2)(b) was within an ambulance she requested PO Mandliyadov’s name and shield number, however he did not provide her with that information (**Allegation E**) and responded “Calm down, you are going to hurt your chest.” Next, on March 14, 2014 at 12:30 a.m., § 87(2)(b) went to the 26th Precinct, where she saw PO Mandliyadav. She again requested his identifying information, which he did not furnish and instead informed her that he was off-duty (subsumed by **Allegation E**).

Mediation, Civil and Criminal Histories

On April 11, 2014, § 87(2)(b) filed a notice of claim with the City of New York, seeking damages in an amount that would compensate him for physical and psychological pain and suffering, as well as medical and hospital expenses and statutory damages (encl. M11-M12). As a result of the ongoing claim, this case was ineligible for mediation.

§ 87(2)(b) provided the following details about the incident during his 50H hearing conducted on § 87(2)(b): § 87(2)(a) Gen.Mun. §50-H(3)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

The undersigned investigator obtained the video footage captured by § 87(2)(b) during this incident, which is three seconds long. Initially, on the left side of the screen the face and shoulders of one officer is visible, who is a light-skinned, Hispanic man, approximately thirty-five years old and uniformed. On the right side of the screen there is solely a slight portion of a male officer's face, who can only be described as a medium- skinned man. Both officers are uniformed, wearing pins on their collar that designate their command as the 26th Precinct.

During the video, a man who is not captured on camera is heard screaming "Don't fucking touch me or I will crack you in the fucking face boy!" The camera then focuses downwards, where the lower torso of apparently a woman, wearing jeans can be seen and a female voice is heard screaming "Baby, stop!" repeatedly.

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

NYPD Documentation

26th Precinct, 3/13/14, Tour 3 Roll Call: The aforementioned documentation lists that Sgt. Ian McCabe was assigned as the desk officer and PO Daniel Coy and PO Mutaza Mandliyadav were assigned to Patrol Sectors A and B. It is also noted that the following officers were assigned to the Anti-Crime Team: PO William Flaherty, PO Ronnie Morales, PO Efrain Santiago and PO Stephen Guiney. The following officers were supervisors of the Anti-Crime Team: Sgt. Andrew Kenny and Sgt. Patrick Donnelly. The following officers were assigned to Housing: PO Eugenio Garcia and PO Darwin Marrero (encl. L2-L8).

26th Precinct, 3/14/14, Tour 1 Roll Call: The aforementioned documentation notes that PO Mandliyadav was not working. The sole officer assigned to an administrative duty, near the desk is the Telephone Switchboard Operator, PO Daniel Calderon, a [§ 87(2)(b)]-year-old Hispanic man (encl. L9-L15).

911 Call: An unidentified female caller dialed 911 and informed the Police Communications Technician that a woman was having difficulty breathing within [§ 87(2)(b)]. The caller stated that the patient was with a guest and is asthmatic (encl. L16).

Communication CD Transcription: Via radio, the Police Communications Technician informed Patrol Sector A of the 26th Precinct that a woman was having difficulty breathing at [§ 87(2)(b)] (encl. L16).

Event Summary D14031323213: The aforementioned documentation notes that on 3/13/14 at 8:31 p.m., a [§ 87(2)(b)] woman with asthma history had difficulty breathing at [§ 87(2)(b)]. EMS, including EMS operator [§ 87(2)(b)] arrived at the location at 8:39 p.m. It notes that officers of the 26th Precinct, Patrol Sector A subsequently arrived and arrested an unnamed individual at 9:07 p.m. There are no details about the individual arrested. EMS also transported an unnamed individual, identified via investigation as [§ 87(2)(b)] to [§ 87(2)(b)] (encl. L17-L22).

§ 87(2)(b)'s **Arrest Photograph and Medical Treatment of Prisoner Report:** § 87(2)(b)'s arrest photograph does not depict any injuries or swollenness to his face (encl. L24). A request for § 87(2)(b)'s Medical Treatment of Prisoner Report from the IAB-CCRB Liaison revealed that this document was unavailable (encl. P30).

AIDED Report for § 87(2)(b) The NYPD Monitoring and Analysis Section conducted a search for this document, which yielded negative results (encl. P3).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. B3-B4).
- PO Mandliyadav has been a member of the NYPD for fourteen years and has had no substantiated allegations (encl. B2). In case number 201305358, a refusal to provide name and shield number allegation that was pled against him was unsubstantiated.
- PO Coy has been a member of the NYPD for nine years and has had no substantiated allegations (encl. B1). § 87(2)(g)

Conclusion

Identification of Subject Officers

PO Mandliyadav and PO Coy admitted to interacting with § 87(2)(b) and § 87(2)(b) § 87(2)(g). The undersigned investigator took multiple steps in order to identify PO1, which are outlined below. § 87(2)(b) described PO1 as a light-skinned man, with an average build, 6'2"-6'3" tall, bald-headed, in his late-twenties or early-thirties, wearing a grey Champion shirt, dark blue jeans and leather boots. § 87(2)(b) did not place PO1 at the scene. PO Coy noted that six to eight officers from his command responded to this incident and PO Mandliyadav stated that many uniformed officers from his command responded; however they did not provide identifying details about these responding officers.

The Event Summary and 911 Communications CD generated in regards to this incident solely indicate that Patrol Sector A of the 26th Precinct responded to this incident. This documentation does not note that plain clothed units responded to this incident. The 26th Precinct roll call for March 13, 2014, Tour 3 documents that PO Coy and PO Mandliyadav were assigned to Patrol Sector A at the time of the incident.

During a photo array conducted with § 87(2)(b) on September 26, 2014, he was shown photographs of the following officers assigned to the 26th Precinct, Anti-Crime Team: PO William Flaherty, a § 87(2)(b)-year-old white man; PO Ronnie Morales, a § 87(2)(b)-year-old, light-skinned Hispanic man; PO Efrain Santiago, a § 87(2)(b)-year-old, light-skinned black man and PO Stephen Guiney, a § 87(2)(b)-year-old white man. He was also presented with officers assigned to 26th Precinct, Housing: PO Eugenio Garcia, a § 87(2)(b)-year-old, light-skinned, Hispanic man and PO Darwin Marrero, a § 87(2)(b)-year-old, light-skinned Hispanic man. § 87(2)(b) did not identify any of the officers presented to him as PO1.

During § 87(2)(b)'s photo array he stated that PO Flaherty looked familiar to him, however he could not provide any context to that statement. Because PO Flaherty's physical description somewhat corresponded to that of PO1 and given his Anti-Crime assignment, making him most

likely plain clothed, PO Flaherty was interviewed at the CCRB. PO Flaherty denied using and seeing any officers use force against § 87(2)(b)

§ 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(g)

Allegation A- Discourtesy: On March 13, 2014, at § 87(2)(b) in Manhattan and at the 26th Precinct stationhouse, PO Daniel Coy spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that at § 87(2)(b) PO Coy told § 87(2)(b) “Shut the fuck up,” which § 87(2)(b) did not allege. § 87(2)(g)

§ 87(2)(b) alleged during his CCRB statement that while within the 26th Precinct, PO Coy called him a “dumbass.” § 87(2)(a) Gen.Mun. §50-H(3)

§ 87(2)(b) EMT § 87(2)(b) stated that he did not hear PO Coy use profanity towards § 87(2)(b) while within § 87(2)(b). Despite being presented with photographs of § 87(2)(b) and § 87(2)(b) and a synopsis of this incident, EMT § 87(2)(b) and Sgt. McCabe did not recall this incident. PO Coy and PO Mandliyadav could not recall if PO Coy stated “Shut the fuck up” or if he used any profanity towards § 87(2)(b). PO Flaherty did not witness this portion of the incident.

§ 87(2)(g)

§ 87(2)(g)

Allegation B- Force: On March 13, 2014, at § 87(2)(b) in Manhattan, PO Daniel Coy used physical force against § 87(2)(b)

Allegation C- Force: On March 13, 2014, at § 87(2)(b) in Manhattan, PO Murtaza Mandliyadav used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) interfered with the efforts of PO Coy, PO Mandliyadav, EMT § 87(2)(b) and EMT § 87(2)(b) in placing § 87(2)(b) in a wheelchair, in order to transport her to the hospital. § 87(2)(b) video recorded this incident, while placing his phone a foot away from the officers' faces. § 87(2)(b) can be heard during this recoding state: "Don't fucking touch me or I will crack you in the fucking face boy!" § 87(2)(g) PO Coy brought § 87(2)(b) to the floor in order to handcuff him, by grabbing his arms and tripping him, causing him to fall to the floor. Both PO Mandliyadav and PO Coy handcuffed § 87(2)(b) once he was on the floor, which he resisted by keeping his hands under his body, flailing his arms and kicking his legs.

NYPD Patrol Guide Procedure 203-11 states that officers can use the minimum force necessary to effect an arrest of a violent or resisting individual (encl. A3-A4).

§ 87(2)(g)
§ 87(2)(b) did not raise any allegations against officers until he was released from police custody and received medical treatment at § 87(2)(b). § 87(2)(g)
§ 87(2)(b) stated that he was punched in the eye by an officer and he did not allege any additional force used against him by officers. § 87(2)(b) obtained medical treatment from the § 87(2)(b), where he provided another account of the incident, stating that he was "beat up by cops." § 87(2)(b) never alleged to medical personnel at the § 87(2)(b) that he was punched in the eye by an officer, an act that one would expect for him to report in order to obtain appropriate medical care. § 87(2)(a)
§ 50-H(3)

An X-ray examination conducted for § 87(2)(b) on § 87(2)(b) revealed that § 87(2)(b) had an age indeterminate left, medial wall blowout fracture to his facial bone. The X-ray details note that the fracture was likely present before this incident occurred.

§ 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
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Allegation D- Force: On March 13, 2014, at § 87(2)(b) in Manhattan and in front of § 87(2)(b) in Manhattan, an officer used physical force against § 87(2)(b)

§ 87(2)(b) alleged during his CCRB interview that while he was handcuffed and lying on the floor, an unidentified officer kicked him in his legs and subsequently slapped him in the back of his head while he entered a police vehicle. EMT § 87(2)(b) PO Coy, PO Mandliavadav and PO Flaherty denied witnessing these allegations. While EMT § 87(2)(b) did not recall this incident, he noted that these allegations did not sound like something that he saw. Sgt. McCabe was not present for this portion of the incident.

§ 87(2)(g)

§ 87(2)(g)

Allegation E- Abuse of Authority: On March 13, 2014, at § 87(2)(b) in Manhattan and on March 14, 2014 at the 26th Precinct stationhouse, PO Murtza Mandliavadav failed to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) alleged that while within an ambulance, she requested PO Mandliavadav's name and shield number more than three times however he did not provide her with that information and instead responded "Calm down, you're going to hurt your chest." § 87(2)(b) alleged that on the following day she went to the 26th Precinct, where she requested PO Mandliavadav's shield number, however he responded that he was off-duty. EMT § 87(2)(b) § 87(2)(g)

§ 87(2)(b), did not recall this incident. PO Mandliavadav stated that he verbally provided his name and shield number to § 87(2)(b) while within the ambulance. PO Mandliavadav also noted that he never saw § 87(2)(b) again after he transported her to § 87(2)(b) EMT § 87(2)(b) Sgt. McCabe, PO Flaherty and PO Coy were not present for these portions of the incident.

While § 87(2)(b) alleged that she saw PO Mandliavadav at the 26th Precinct at 12:30 a.m. on March 14, 2014, PO Mandliavadav documented in his memo book that he ended his tour at 11:35 p.m. on March 13, 2014. The March 14, 2014, Tour 1 roll call does not list PO Mandliavadav as working during that time frame. § 87(2)(g)

§ 87(2)(b) stated that the sole witness officer was seated at a nearby desk, described as a Hispanic man with a heavy build, in his fifties and uniformed. § 87(2)(b) could not further describe this witness officer. The only officer listed on the roll call working at that time, assigned to an administrative assignment was the Telephone Switchboard Operator, PO Daniel Calderon, a § 87(2)(b)-year-old Hispanic man. § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date